

## REMARKS

In the Office Action dated April 14, 2009, the Examiner: (1) allowed claims 4 and 6-21; (2) rejected claims 1, 3, 5, 25 and 26 under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 2,789,510, issued to Meynig (hereinafter "Meynig"); and (3) objected to claims 2 and 22-24 as being dependent upon a rejected base claim, but found these claims would be allowable if rewritten in independent form, including all of the limitations of their base claim and any intervening claims. Applicant respectfully requests reconsideration in view of the remarks that follow.

### **I. Status of the Claims**

Claims 1-26 are pending.

Claims 4 and 6-21 stand allowed.

Claims 1 and 3 are currently amended.

### **II. Claims Rejected as Anticipated**

The Examiner rejects claims 1, 3, 5, 25, and 26 as anticipated by Meynig. Claims 1 and 26 are independent claims. Claims 3, 5, and 25 depend from claim 1.

#### Claims 1, 3, 5, and 25

Claim 1 recites a dosing gap and one of an inner member and outer member movable from a flow position to an adjustment flow position adjusting the flow through the dosing gap. Meynig does not disclose the claimed dosing gap or inner member. The Examiner finds chamber 34 and sealing ring 42 are equivalent to the claimed dosing gap and inner member, respectively. Applicant respectfully traverses.

Claim 1 requires that the dosing gap is upstream of the valve device. The Meynig valve device includes valve stem 39 with enlarged head 40 at its upstream end and valve head 41 at its downstream end. The Meynigh valve device further includes sealing ring 42 disposed about valve head 41. Whether valve stem 39 assumes the closed position (Fig. 2 of Meynig) or the open position (Fig. 1), no portion of valve stem 39 is ever arranged following chamber 34. In other words, chamber 34 is not upstream of valve stem 39.

Claim 1 also requires the dosing gap is unadjusted when the valve device moves from the closed position to the open position. When valve stem 39 moves from the closed position to the open position,

the gap between sealing ring 42 and plug 33 is adjusted upward from zero (no clearance between sealing ring 42 and plug 33 when valve stem 39 is in the closed position).

Claim 1 also requires one of the inner or outer members being movable from a flow position to an adjustment flow position adjusting the flow through the dosing gap. Flow through chamber 34 and vent passage 35 occurs when sealing ring 42 is disengaged from plug 33. Thus, sealing ring 42 assumes "a flow position" when sealing ring 42 is disengaged from plug 33. Movement of sealing ring 42 between any two flow positions, however, does not adjust the flow. Consequently, sealing ring 42 does not have an adjustment flow position.

For these reasons, chamber 34 does not disclose the claimed dosing gap and inner member. Therefore, Meynig does not anticipate claim 1 or its dependent claims 3, 5, and 25.

Further in regard to claim 3, Meynig does not disclose the claimed dosing cone. The Examiner finds the end of valve head 41 is equivalent to the claimed dosing cone. Applicant respectfully traverses. Movement of valve 41 relative to plug 33 in the flow direction such that valve stem 39 displaces from the open position (sealing ring 42 disengaged from plug 33) to a second open position (sealing ring 42 still disengaged from plug 33) *does not increase* the flow area, which is defined by the constant cross-section of chamber 34 normal to the flow direction. In fact, movement of valve 41 in this manner has no effect on the flow area. Moreover, valve stem 39 does not have an adjustment flow position, only a flow position and a no-flow position.

Further in regards to claim 5, Meynig does not disclose the claimed annular area or dosing cone. The end of valve head 41 cannot move relative to the Meynig valve device, meaning itself. Thus, the end of valve head 41 is not equivalent to the claimed dosing cone. Even assuming arguendo that it is, the cross-sections of valve head 41 and chamber 34 normal to the flow direction are constant in size. As such, movement of valve head 41 within chamber 34 does not change the size of the annular area disposed therebetween. Thus, Meynig does not disclose an annular area that changes in size.

Further in regards to claim 25, Meynig does not disclose the claimed bevels. The Examiner finds components 9 and 17 of Meynig are equivalent to the claimed bevels. Applicant respectfully traverses. Component 9 is an inlet passage. Although Meynig discloses body 1 has a bevel proximate inlet passage 9, the disclosed bevel is located on the inner surface of body 1, rather than the outer surface of body 1 as required by claim 25. Component 17 is a horizontal branch of valve casing 15, not a bevel.

For at least these additional reasons, Meynig does not anticipate claims 3, 5, and 25.

Claim 26

Claim 26 recites a dosing cone that is upstream of the valve device and immovable relative to the counter element when the valve device moves to an open position. Meynig does not disclose the claimed dosing cone. The end of valve head 41, which the Examiner finds to be equivalent to the claimed dosing cone, is not upstream of the Meynig valve device, or itself. Moreover, the end of valve head 41 is not immovable relative to plug 33 when valve stem 39 moves to an open position.

For these reasons, Meynig does not disclose the claimed dosing cone. Therefore, Meynig does not anticipate claim 26.

**III. Allowable Subject Matter**

Applicant acknowledges with appreciation the allowability of claims 2 and 22-24 if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 2 and 22-24 depend from claim 1. For reasons presented above, Applicant believes claim 1 is in condition for allowance. As such, Applicant believes dependent claims 2 and 22-24 are also in allowable form.

**CONCLUSIONS**

During the course of these remarks, Applicant may have at times referred to particular limitations of the claims that are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Applicant reserves the right to submit the original claims or any cancelled rejected claims in a continuing application and prosecute those original claims fully without regard to any amendments made to those claims in the present application. Applicant does not give up any scope of the original claims due to the claims amendments or cancellations in the present application.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore. If any fee is due for such a petition or should any

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additional fees be required with respect to this application, the Commissioner is authorized to charge such fees to Deposit Account Number 03-0335 of Cameron International Corporation.

Respectfully submitted,

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